

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

IN RE MATERIAL WITNESS:
LUKAS ZAK

FILED UNDER SEAL

Case No: 2:17-MJ-154-JHR

GOVERNMENT'S MOTION TO RELEASE MATERIAL WITNESS LUKAS ZAK

Now comes the United States of America, by its undersigned attorneys and respectfully moves the Court to release material witness Lukas Zak.

1. On July 21, 2017, upon application of the United States, a Material Witness Arrest Warrant was issued for Lukas Zak. The Warrant was served and at the initial appearance, Mr. Zak was ordered to remain within the District of Maine, to surrender his passport to the custody of the United States Coast Guard and to post an unsecured bond, among other conditions.

2. On August 24, 2017, the Hon. Magistrate Judge John H. Rich III ordered that the deposition of Lukas Zak be taken within 30 days, by September 22, 2017 following which he should be released from the Material Witness Warrant conditions and allowed to depart the United States.

3. Mr. Zak's deposition was taken on September 12, 2017 in the case of *United States v. MST Mineralien Schiffahrt Spedition und Transport GmbH and Reederei "MS Marguerita" GmbH & Co. Geschlossene Investment-KG*. Defendants' counsel was present and participated in the depositions. Mr. Zak, through counsel, waived review and signing of the deposition statement provided for in Fed. R. Civ. P 30(e). The trial is currently scheduled to begin on November 6, 2017.

4. Mr. Zak will be served with a trial subpoena prior to departure from the District of

Maine and will be advised that his travel and lodging expenses will be provided to him if he appears in response to the subpoena.

5. The Government respectfully requests the Court grant the Government's Motion to Release Material Witness Lukas Zak from the conditions imposed, thus allowing him to depart the United States, provided he agrees to remain in contact with his attorney who will advise him of any changes in the trial date and will assist the Government in securing service of process for future subpoenas.

6. Counsel for the Defendants' and Counsel for the witness has reviewed this motion and proposed order and concurs in the Government's request.

RICHARD MURPHY
ACTING UNITED STATES ATTORNEY

JEFFREY H. WOOD
ACTING ASSISTANT ATTORNEY GENERAL
United States Department of Justice
Environment and Natural Resources Division



Date: September 13, 2017

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CERTIFICATE OF SERVICE

I hereby certify that I have this electronically served the foregoing Motion for Release of Material Witness Zak on Mr. Zak's Counsel and Defendants' Counsel listed below:

Counsel for Mr. Zak: Edward MacColl, via email at: emaccoll@thomport.com

Counsel for Defendants: George Michael Chalos, via email at: gmc@chaloslaw.com

Date: September 13, 2017

A handwritten signature in black ink, appearing to read 'Shane N. Waller', positioned above a horizontal line.

Shane N. Waller
Environmental Crimes Section
United States Dept. of Justice

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ORDER

Considering the foregoing Motion for Release of Material Witness,

IT IS HEREBY ORDERED that the Clerk forthwith dismiss the material witness arrest warrant for Lukas Zak under the condition that he is served with a trial subpoena and remains in contact with his attorney, who will advise Mr. Zak of any changes in the trial date and will assist the government in securing service of process for Mr. Zak in the future.

Portland, Maine this _____ day of September, 2017.

John H. Rich III
United States Magistrate Judge